

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

INTERCOLLEGIATE
BROADCASTING SYSTEM, INC.,

Petitioner,

v.

COPYRIGHT ROYALTY BOARD,

Respondent

No. 14-1068

**PETITIONER’S NON-BINDING
STATEMENT OF ISSUES TO BE RAISED**

Petitioner Intercollegiate Broadcasting System, Inc. (“IBS”) hereby submits its statement of issues to be raised in this Petition for Review:

1. Whether it was arbitrary and capricious of the Copyright Royalty Board to impose the same \$500 minimum royalty for statutory licenses under 17 U.S.C. §§ 112 and 114 on commercial and noncommercial webcasters of all sizes, despite the requirements under 17 U.S.C. §§ 112(e)(4) and 114(f)(2)(B) that the Board distinguish among different types of services, and despite record evidence that a \$500 fee was unreasonable for small and very small noncommercial webcasters.
2. Whether the Copyright Royalty Board violated the Appointments Clause of the Constitution, U.S. Const. art. II, § 2, cl. 2, and this Court’s mandate in *IBS v. Copyright Royalty Board*, No. 11-1083, 684 F.3d 1332 (D.C. Cir. 2012), when it

merely ratified the determination made by an unconstitutionally appointed panel of Copyright Royalty Judges without conducting a new hearing despite IBS's request.

Respectfully submitted,

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Washington, DC



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2014, copies of this document

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